

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2031-01
Bill No.: SB 536
Subject: Judges; Courts; Elections; Boards, Committees, Commissions, Councils
Type: Original
Date: April 20, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide for the Commission on Judicial Resources to review vacancies and certify to the Governor and General Assembly that a judicial vacancy should not be filled and, further, that the Commission could propose to add judgeships to any jurisdiction, subject to legislative approval. CTS assumes there could be a shifting of future costs and, in theory, there could be unknown future costs or savings if judgeships were eliminated or added.

Oversight assumes no fiscal impact on CTS would result from the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
---	---------------------	---------	---------

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
--	------------	------------	------------

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
---	---------------------	---------	---------

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
--	------------	------------	------------

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal authorizes the Commission on Judicial Resources to determine the number of associate and circuit court judges needed in each judicial circuit. The Commission may: (1) recommend that a vacancy not be filled in a circuit with more judges than necessary, and file a corresponding plan for reassignment of the remaining judgeships in such circuit; or (2) recommend that positions be added in a circuit with fewer judges than necessary. Vacancy is defined so that judgeships cannot be moved unless the position is vacant.

DESCRIPTION (continued)

When a circuit court position is vacated and the Commission declares that such vacancy should not be filled, the Commission shall certify this declaration to the Governor and General Assembly. Such vacancy shall not be filled unless the General Assembly approves the Commission's declaration by a Concurrent Resolution that is signed by the Governor. When the Commission declares a vacancy, it shall include in its certification a proposed reassignment of judges in that circuit. The General Assembly may, by Concurrent Resolution, provide for a different reassignment of the judges. The Commission shall follow the same procedure outlined above if it declares that a circuit court position should be added to a circuit.

This proposal shall become effective following the adoption by the voters of a constitutional amendment allowing judgeships to be moved from areas of low need to areas of high need.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Attorney General



Jeanne Jarrett, CPA
Director

April 20, 2001